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| APPLICATION NO.                           | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/549,561                                | 09/19/2005  | Joachim Brilka       | DE 030089           | 2338             |
| 24737                                     | 7590        | 12/04/2006           | EXAMINER            |                  |
| PHILIPS INTELLECTUAL PROPERTY & STANDARDS |             |                      | JAGER, RYAN C       |                  |
| P.O. BOX 3001                             |             |                      | ART UNIT            | PAPER NUMBER     |
| BRIARCLIFF MANOR, NY 10510                |             |                      | 2816                |                  |

DATE MAILED: 12/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 10/549,561             | BRILKA ET AL.       |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Ryan C. Jager          | 2816                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1 and 6 is/are rejected.
- 7) Claim(s) 2-5 is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

|  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date: ____.                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/19/05</u> | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|  | 6) <input type="checkbox"/> Other: ____.                          |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 1-6 is objected to because of the following informalities:

With respect to claim 1, it is suggested the recitation “controlling at least one transistor (10, 12, 14, ..., 18), especially for controlling the resistance of value of at least one MOS transistor” be changed to --controlling the resistance value of at least one MOS transistor (10, 12, 14, ..., 18)--.

Claims 2-5 are objected to because they contain the subject matter objected to in claim 1.

With respect to claim 6, it is suggested the recitation “a positive voltage drop (U1), especially a positive DC voltage drop” on line 5-6, be changed to --a positive DC voltage drop (U1)--.

With respect to claim 6, it is suggested the recitation “a negative voltage drop (U2), especially a negative DC voltage drop” on line 7-8, be changed to --a negative DC voltage drop (U2)--.

With respect to claim 6, it is suggested the recitation “the negative voltage drop (U2)” on line 9, be changed to --a negative DC voltage drop (U2)--.

With respect to claim 6, it is suggested the recitation “an externally caused voltage drop (Ur), in particular an externally caused DC voltage drop” on line 13-14, be changed to --an externally caused DC voltage drop (Ur)--.

These changes should be continued throughout claim 6.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to claim 6, the recitation “any additional transistors” is unclear. The recitation does not distinguish between transistors within the recited circuit or transistors outside the circuit. Additionally, there will be many transistors used within the buffers and inverting amplifier and comparator, are those transistors biased by the control voltage output (Uc)?

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Shor et al. (USPAP 2003/0076159).

With respect to claim 1, figure 4 of Shor et al. discloses a circuit arrangement for controlling at least one transistor, especially for controlling the resistance value of at least one MOS transistor with vanishing DC modulation, characterized in that in addition to at least one

first reference element, which comprises at least one first reference transistor (M5) with a first offset from the operating point, at least a second reference element is provided, which comprises at least a second reference transistor (M5) with a second offset from the operating point equal in value but opposed in sign to the first offset, wherein in particular an arithmetic mean can be taken of the first offset and the second offset for approximating and reaching an optimum operating point.

***Allowable Subject Matter***

4. Claims 2-5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims and to overcome the objection to claim 1 stated above.
5. Claim 6 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan C. Jager whose telephone number is (571) 272-7016. The examiner can normally be reached on M-F 8 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim Callahan can be reached on (571) 272-1740. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ryan Jager  
11/20/2006



LONG NGUYEN  
PRIMARY EXAMINER

A handwritten signature of "Long Nguyen" is written in black ink. Below the signature, the name "LONG NGUYEN" is printed in a bold, sans-serif font, followed by "PRIMARY EXAMINER" in a smaller, all-caps sans-serif font.